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April 28, 2008

BY HAND

Honorable George B. Daniels
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

SO ORDERED

George B. Daniels
HON. GEORGE B. DANIELS

MAY 02 2008

Re: Kwmae Sandy v. City of New York, et al.
08-CV-3241 (GBD)

Your Honor:

I am Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, supervising the defense of the above-referenced federal civil rights lawsuit.¹ I respectfully write to request a forty-five day enlargement of time for defendant City of New York to answer or otherwise respond to the complaint from April 28, 2008, to June 12, 2008. Plaintiff's counsel, Michael B. Lumer, Esq., consents to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint, including false arrest and illegal search. Specifically, plaintiff Kwmae Sandy alleges that on November 8, 2007, at about 8:00 p.m., he was lawfully present in the passenger seat of an acquaintance's vehicle when he and the driver were seized and searched by defendant officers. Plaintiff was arrested, transported to the NYPD 23rd Precinct, and strip searched. Plaintiff was subsequently transported to Central Booking. Plaintiff was then held until about 4:00 p.m. on November 9, 2007, whereupon he was


¹ This case has been assigned to Assistant Corporation Counsel Maurice Hudson, who will be admitted to practice in New York State on April 28, 2008; our office anticipates his admission to the Southern District in May, 2008. Mr. Hudson is handling this matter under my supervision; he may be reached directly at (212) 788-8684.

released based on the New York County District Attorney declining to prosecute the charges against him.

In addition to permitting further investigation of the plaintiff's allegations, the proposed enlargement will also allow time for the plaintiff to identify and effect service upon the three "John Doe" defendants if he has not already done so. Once that is done, the individual defendants will presumably seek representation from this office pursuant to General Municipal Law § 50(k). The requested enlargement would allow time for this office to conduct an inquiry to determine whether it may represent the individually named defendants in this action. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous request for an enlargement of time to respond to the complaint has been made, and this request does not affect the Initial Conference presently scheduled before Your Honor on July 8, 2008, at 9:30 a.m. Accordingly, it is respectfully requested that defendant's time to answer or otherwise respond to the complaint be enlarged from April 28, 2008, to June 12, 2008.

Respectfully submitted,


Caryn A. Rosencrantz
Senior Counsel

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